Supreme Court, U.S.
FILED

02 729 SEP 26 2002

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

JOHN H. MORLEY, JR.

Petitioner,

v.

JAMES J. GORY MECHANICAL CONTRACTING, INC.

Respondent.

On Petition for a writ of Certiorari to the Superior Court of Pennsylvania

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AMENDED PETITION FOR A WRIT OF CERTIORARI

JOHN H. MORLEY, JR.
Petitioner, pro se
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12 pp

QUESTION PRESENTED

Are pro se litigants entitled to appeals?

PARTIES TO THE PROCEEDING

John H. Morley, Jr. is a citizen of Pennsylvania.

James J. Gory Mechanical Contracting, Inc. is a corporation existing under the laws of Pennsylvania.

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ORDERS BELOW

The Superior Court order quashing appeal can be read at page 5. The Superior Court Order denying Motion for reconsideration can be read at page 5. The Pennsylvania Supreme Court Order denying Petition for Allowance of Appeal can be read at page 5. The Pennsylvania Supreme Court Order denying Application for Reconsideration can be read at page 5. The Pennsylvania Supreme Court Order denying Petition for Writ of Mandamus can be read at page 6.

STATEMENT OF JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. subsection 1254. The Supreme Court of Pennsylvania denied Morley's Petition for Writ of Mandamus and Motion for Peremptory Judgement on **September 16, 2002.**

CONSTITUTIONAL PROVISION INVOLVED

The Fifth Amendment to the United states Constitution states in part:

> nor shall any person....be deprived of life, liberty or property without due process of law....

STATEMENT OF THE CASE

Since 1995 Morley and Gory have been involved in a breach of contract, fraud and bad faith dispute, Court of Common Pleas, Bucks County Pennsylvania No. 95-01181. In 2001 the trial court judge in a bench trial ruled against Morley. Morley filed a timely appeal in the Superior Court of Pennsylvania No. 1405 EDA 2001. Morley listed five issues for appeal. Gory filed a motion to quash two of the five issues. The Pennsylvania Superior Court, *sua sponte*, quashed the appeal in hole. Morley motion the Superior Court for reconsideration. The Superior Court denied Morley's motion for

reconsideration. Morley petitioned the Supreme Court of Pennsylvania for allowance of appeal No. 919 MAL 2001. The Pennsylvania Supreme Court denied Morley's motion for allowance of appeal. Morley motioned the Pennsylvania Supreme Court for reconsideration. The Supreme Court denied Morley's motion for reconsideration. Morley petitioned the Pennsylvania Supreme Court for writ of mandamus No. 135 MM 2002. Morley requested the Supreme Court to Order the Superior Court to hear Morley's appeal. The Pennsylvania Supreme Court denied Morley's petition for writ of mandamus.

REASON FOR GRANTING THE WRIT

To date Morley has been denied his fundamental due process right to appeal in this case.

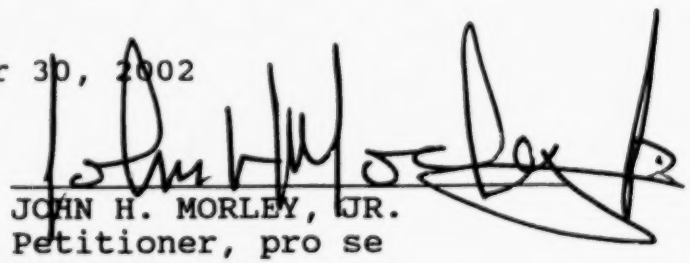
The Pennsylvania Constitution Section 9. Right to Appeal. Article V states in part:

> and there shall also be a right of appeal from a court of record .... to an appellate court,.....

CONCLUSION

This Court must correct the injustices imposed on Morley by the Pennsylvania Appellate Courts. For all of the foregoing reasons, John H. Morley, Jr., petitioner, pro se respectfully requests this Court to reverse the Pennsylvania Appellate Court Orders and remand this case for review by the Superior Court of Pennsylvania.

DATE: September 30, 2002



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APPENDIX

On October 11, 2001 the Superior Court of Pennsylvania entered an order that stated "The court hereby GRANTS the motion to quash."

On November 1, 2001 the Superior Court of Pennsylvania filed an order that stated "Appellant's motion for reconsideration of this court's order of October 11, 2001 is **DENIED.**"

On April 23, 2002 the Supreme Court of Pennsylvania entered an order that stated "**AND NOW**, this 23rd day of April, 2002, the application for Stay is denied. The Petition for Allowance of Appeal is denied."

On June 21, 2002 the Supreme Court of Pennsylvania entered an order that stated "**AND NOW**, this 21st day of June 2002, the Application for Reconsideration is denied"

On September 16, 2002 the Supreme Court of Pennsylvania entered an order that stated "**AND NOW**, this 16th day of September, 2002, the request for leave to file original process is granted. The Petition for Writ of Mandamus and Motion for Peremptory Judgement are denied."